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**DIRECTOR OFFICE
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In re Application of:
Philip Gladstone et al.
Application No. 10/071,328
Filed: February 8, 2002
For: STATEFUL REFERENCE MONITOR

DECISION ON PETITION TO
MAKE SPECIAL UNDER 37
C.F.R. §1.102 AND M.P.E.P.
§708.02(XI)

This is a decision on the petition to make special, filed 01 March 2004 (originally filed 12 September 2002), under 37 C.F.R. §102(d) in view of M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

M.P.E.P. §708.02 (XI), which sets out the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. §1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention is generally directed to monitoring and detecting defined events in a computer and responding to the events using stored information to modify the operation of a computer. Operating "events" in a computer are not "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" or activities "that would be a criminal violation if committed within the jurisdiction of the

United States or of any State" as indicated above nor are they necessarily intended to intimidate a population or influence a government.

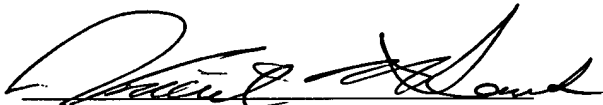
Although it can be said that monitoring for certain events in a computer would limit acts of terrorism, the method and system disclosed do not specifically teach monitoring for terrorists or potential terrorist acts (e.g. monitoring for trace materials or biological contaminants or notifying a user of a terrorist or potential terrorist act). Furthermore, implementing the event monitoring, and the subsequent enforcement of the outcome of event monitoring, with regard to terrorism or terrorist acts has not been disclosed. It appears that the specification is silent with regard to the implementation of the invention with respect to identifying terrorism or terrorist acts, thereby preventing terrorism or terrorist acts. As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DISMISSED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



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